

State of South Dakota

SEVENTY-THIRD SESSION
LEGISLATIVE ASSEMBLY, 1998

660B0738

HOUSE BILL NO. 1235

Introduced by: Representatives Van Gerpen, Schaunaman, and Wetz and Senators Symens and Johnson (William)

1 FOR AN ACT ENTITLED, An Act to clarify when rural electric cooperative members may vote
2 by mail.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

4 Section 1. That § 47-21-57 be amended to read as follows:

5 47-21-57. Each member of a cooperative is entitled to one vote on each matter submitted
6 to a vote at a meeting of the members. The spouse of a member may vote on behalf of the
7 member unless the member has indicated otherwise. ~~Voting shall be in person, but, if the bylaws~~
8 ~~so provide, may also be by mail which shall direct either a negative or an affirmative vote. If the~~
9 ~~bylaws provide for mail voting, upon an increase in the indebtedness of the cooperative, they~~
10 ~~shall also prescribe the conditions under which such voting shall be permitted. Members may~~
11 vote by mail for any issue authorized by the bylaws of the cooperative, except the election of
12 directors, purposes prohibited by § 47-21-20, or a vote required by § 41-21-45. If a cooperative's
13 bylaws allow mail voting, they shall also prescribe any conditions or limitations of such voting.
14 Member ballots voted by mail shall be returned before or at any membership meeting, and each
15 ballot submitted counts as a member present and voting at a meeting for any quorum

- 1 requirements of § 47-21-56 or a cooperative's bylaws. No cooperative member may vote by
- 2 proxy on any issue.